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U.S. Supreme Court hands down a decision, until it is directly overruled, it remains, what Senator Bourne referred to as good law. That doesn't mean it is followed. That does not mean if a case, which is on all fours with the one that led to that decision, comes before the Supreme Court that it will be decided the same way. The Supreme Court will nibble a bit here, add a bit there, deviate someplace else, and it's why you cannot look at the first case in which the U.S. Supreme Court handed down a decision which is good law today and feel that you can argue on the basis of that case one that is pending today. What you have to do is go through all of the cases, not just based on that one, but similar cases, to find out what the state of the law So when Senator Lindsay runs out and has somebody get a case here and a case there and say this is the law, well, there are different ways to interpret that. Although people laughed at Clinton when he said it depends on what "is" is, or something like that, it depends on what the meaning of "the" is when you say it is "the" law. Do you mean the law at the time it was handed down, the law when the court has ruled exactly the same way on similar cases, or the law today, just as it was when the first decision came down? The law that was handed down in 1953 in Brown v. Board of Education is not the law today. You know what <u>Brown v. Board of Education</u> said, which Senator Lindsay probably forgot, if he ever knew? That when schools are segregated, they are inherently unequal. A segregated system is inherently unequal, and if unequal educational opportunity violates the constitution guaranteeing equal protection of the law and due process, how can these segregated school systems, which the U.S. Supreme Court said are inherently unequal, continue to exist and withstand court challenge in the federal court? Because what the Supreme Court said in '53 is no longer the law today. They haven't overruled that case. They don't have to. They can get around overruling it. Sometimes they'll say, we don't have to reach that issue to make a decision, we will send it back to the trial court for further deliberations in conformity with this decision. And when they send it back to the trial court, the parties know what they're dealing with and sometimes they will reach a settlement. So these isolated cases...

SENATOR CUDABACK: One minute.